

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2623

By: Jordan

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5  
6 AS INTRODUCED

7 An Act relating to children; amending 10 O.S. 2001,  
8 Section 7306-2.9, as amended by Section 7, Chapter  
9 286, O.S.L. 2006 (10 O.S. Supp. 2007, Section 7306-  
10 2.9), which relates to the Oklahoma Juvenile Code;  
authorizing detainment of youthful offenders in  
11 county jails under certain circumstances; and  
12 providing an effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7306-2.9, as  
15 amended by Section 7, Chapter 286, O.S.L. 2006 (10 O.S. Supp. 2007,  
16 Section 7306-2.9), is amended to read as follows:

17 Section 7306-2.9 A. Upon a verdict of guilty or a plea of  
18 guilty or nolo contendere of a youthful offender and prior to the  
19 imposition of a youthful offender sentence by the court:

20 1. A youthful offender presentence investigation shall be  
21 conducted unless waived by the youthful offender with approval of  
22 the court or unless an investigation is conducted pursuant to  
23 subsection C of Section 7306-2.8 of this title. Any presentence  
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1 investigation required shall be conducted by the Department of  
2 Juvenile Justice; and

3 2. The court shall conduct a hearing and shall consider, with  
4 the greatest weight given to subparagraphs a, b and c:

5 a. whether the offense was committed in an aggressive,  
6 violent, premeditated or willful manner,

7 b. whether the offense was against persons and, if  
8 personal injury resulted, the degree of personal  
9 injury,

10 c. the record and past history of the person, including  
11 previous contacts with law enforcement agencies and  
12 juvenile or criminal courts, prior periods of  
13 probation and commitments to juvenile institutions,

14 d. the sophistication and maturity of the person and the  
15 person's capability of distinguishing right from wrong  
16 as determined by consideration of the person's  
17 psychological evaluation, home, environmental  
18 situation, emotional attitude and pattern of living,

19 e. the prospects for adequate protection of the public if  
20 the person is processed through the youthful offender  
21 system or the juvenile system,

22 f. the reasonable likelihood of rehabilitation of the  
23 person if found to have committed the offense, by the  
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1 use of procedures and facilities currently available  
2 to the juvenile, and

3 g. whether the offense occurred while the person was  
4 escaping or on escape status from an institution for  
5 youthful offenders or delinquent children.

6 B. 1. After the hearing and consideration of the report of the  
7 presentence investigation, the court shall impose sentence as a  
8 youthful offender within the range prescribed by law for adult  
9 felony convictions except capital offenses and shall make one of the  
10 following dispositional orders regarding a youthful offender:

11 a. place the youthful offender under the supervision of  
12 the Office of Juvenile Affairs through its Department  
13 of Juvenile Justice, or

14 b. place the youthful offender in the custody of the  
15 Office of Juvenile Affairs.

16 2. In addition to or in lieu of the placement of the youthful  
17 offender in the custody of or under the supervision of the Office of  
18 Juvenile Affairs, the court may issue orders with regard to the  
19 youthful offender as provided by law for the disposition of an  
20 adjudicated juvenile delinquent.

21 C. It is the intent of the Oklahoma Legislature that youthful  
22 offenders be held insofar as is practical separate from the juvenile  
23 delinquent population.

1        D. A youthful offender who has been sentenced into the custody  
2 of the Office of Juvenile Affairs may be detained in a county jail  
3 if separated by sight and sound from the adult population pending  
4 placement in an Office of Juvenile Affairs juvenile correctional  
5 facility.

6        SECTION 2. This act shall become effective November 1, 2008.

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8        51-2-9399            GRS            12/27/07

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